

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested.

Claims 11-22 are in the application, claims 1-10 having previously been cancelled.

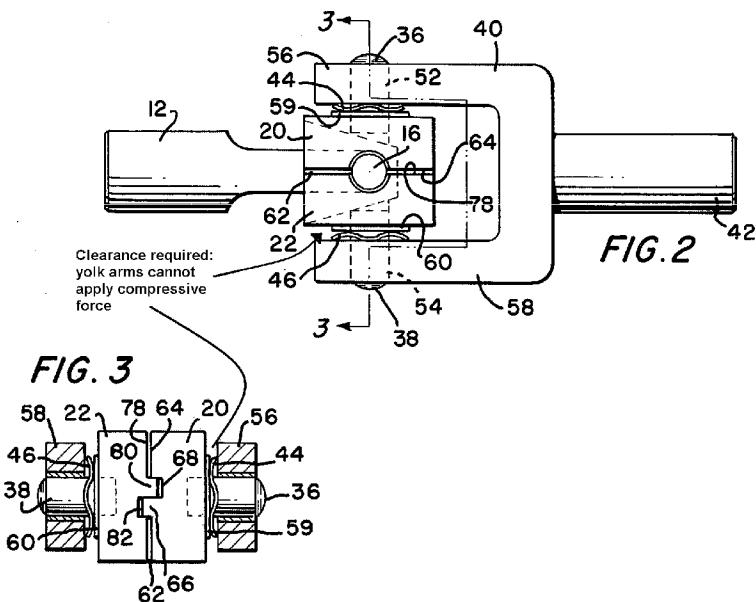
Claims 11-13 and 16-22 were rejected as being anticipated under 35 USC 102(b) by U.S. patent no. 4,135,372 ("Benson").

To have anticipation, each and every element of the claim must be found in a single prior art reference W.L. Gore & Assoc. V. Garlock, Inc. 721 F.2d. 1540 (Fed. Cir. 1983). "Lack of novelty (often called 'anticipation') requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee" Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2D (BNA) 1101, 1103 (Fed. Cir. 1995) (emphasis added)

Anticipation requires the reference to describe all the elements of the claims, arranged as in the patented device. Shearing v. Iolab Corp., 975 F.2d 1541, 1544-45, 24 U.S.P.Q.2D (BNA) 1133, 1136 (Fed. Cir. 1992); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2D (BNA) 1913, 1920 (Fed. Cir 1989); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 U.S.P.Q. (BNA) 669, 673 (Fed. Cir. 1984); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir., 1998).

Anticipation requires strict identity, without guessing what the reference discloses. Dayco Products, Inc. V. Total Containment Inc., 329 F.3d 1358 (Fed. Cir. 2003). A claim cannot be "anticipated" by prior art that does not have all of the limitations in the claim. Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1346 (Fed. Cir. 2000); SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006).

In Benson, a driven

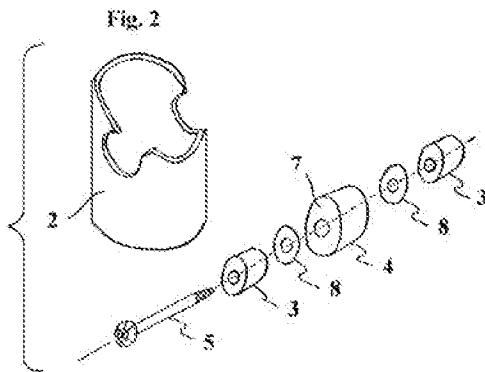


member 42 has a yolk 40 with a pair of arms 56 and 58 between which there is located an assembly of a driving member 12 having a pair of trunnions 16 and 18 received within a pair of blocks 20 and 22. Two press pins join the

assembly to the yolk, with two wave washers located in the specifically provided clearances located between the arms and the blocks. These clearances are essential as described below:

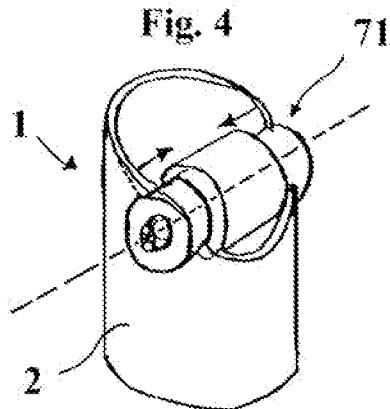
"As can be seen from looking at FIG. 2 and FIG. 3, the inside surface of each block has plane surfaces which face one another in spaced relationship to provide a clearance gap 62. The inner dimension between the arms 56 and 58 of yoke 40 and the overall width of blocks 20 and 22 as assembled on the trunnions 16 and 18, are held to give specific side clearance dimensions between the blocks and the yoke arms. These dimensions and the spring rate of wave washers 44 and 46 are controlled so that the washers operate in these side clearances within a specific range of compression forces, which effectively pre-loads the operating components of the universal joint throughout the working lifetime of the joint. The initial clearance gap 62 is made wide enough to accommodate whatever wear occurs in the associated bearing surfaces in the blocks during the expected life of the joint, always leaving space for the facing surfaces of the blocks to approach one another. Any wear is automatically compensated for, since the blocks move slightly towards one another under spring pressure as wear occurs and pre-load on the joint is maintained." (Col. 3, l. 10-31)

Note that only minimal force is applied



to the blocks by the spring wave washers, which allows movement between the yolk arms as discussed above.

On the other hand, the applicants' invention provides an assembly that resides within two openings in the wall of a pipe, with the pipe being deformable and therefore it is the pipe which is able to create compressive forces in the direction of the axis of rotation, shown by the arrows in Fig. 4; the compressive force is not created by springs of any kind.



No "pipe" containing opposed openings in a rim, with the pipe exerting a compressive force to a second object, as shown above, is

found in Benson. A "pipe" is well understood by one skilled in the art to be a "...2 : a long tube or hollow body for conducting a liquid, gas, or finely divided solid or for structural purposes; 3 a : a tubular or cylindrical object, part, or passage..." Merriam-Webster Dictionary. One skilled in the art would also not qualify a yolk with rigid arms as being such a pipe, and so even at the most basic level, these claims cannot be anticipated by Benson, as neither the structure nor function are found in Benson.

As each and every element of claims 11, 21 and the claims depending therefrom are not

found in Benson, exactly arranged as in the applicants' invention, claims 11-13, and 16-22 are not anticipated thereby.

Claims 14 and 15 were rejected as being obvious over Benson. However, claims 14 and 15 are dependant claims which contain all of the limitations of independent claim 11 and as discussed above, Benson fails to disclose the use of a pipe with openings in a rim thereof, the pipe exerting a compressive force on the members for forming a rotatable link. Absent some disclosure related to the structures and functions defined in claim 11, claims 14 and 15 are not rendered obvious over Benson.

Based on the above amendments and remarks, favorable consideration and allowance of the application are respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

/WJS/

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